

JC03 Rec'd PCT/PTO 09 JUN 2004

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE
(REV. 2-2003)

ATTORNEY'S DOCKET NUMBER

050508-1350

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

TBD 10/538034

INTERNATIONAL APPLICATION NO.
PCT/US2003/037749INTERNATIONAL FILING DATE
24 November 2003PRIORITY DATE CLAIMED
22 November 2002

TITLE OF INVENTION

DIAGNOSTIC TESTS AND METHODS FOR DIAGNOSING INFLAMMATORY BOWEL DISEASE

APPLICANT(S) FOR DO/EO/US

GEWIRTZ, Andrew; SITARAMAN, Shanti V.; and KAPPROTH, Jan Michael

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 23 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☐ Express Mail Label No.
23. ☒ Other items or information:

Certificate of Facsimile; Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally under 37 C.F.R. 1.137(b); Cover Letter

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Approved for use through 3/31/2007. OMB 0651-0021
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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| | | | | | |
|---|--------------|--|----------|--------------------------|------------|
| U.S. APPLICATION NO. (If known, see 37 CFR 1.5) | | INTERNATIONAL APPLICATION NO. | | ATTORNEY'S DOCKET NUMBER | |
| 104838034 | | PCT/US2003/037749 | | 050508-1350 | |
| The following fees are submitted: | | | | CALCULATIONS | PTO USE |
| 24. <input checked="" type="checkbox"/> Basic national fee | \$300 | \$ | \$300.00 | | |
| 25. <input checked="" type="checkbox"/> Examination fee | | \$ | \$100.00 | | |
| If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4) | | \$100 | | | |
| All other situations | | \$200 | | | |
| 26. <input checked="" type="checkbox"/> Search fee | | \$ | \$100.00 | | |
| Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority | | \$100 | | | |
| International Search Report prepared and provided to the Office | | \$400 | | | |
| All other situations | | \$500 | | | |
| TOTAL OF 24, 25 and 26 = | | | | \$ | \$500.00 |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. | | | | | |
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole) | RATE | | |
| - 100 = | 0 | /50 = | 0 | x | \$250.00 |
| | | | | \$ | \$0.00 |
| Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)). | | | | \$ | |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | | |
| Total claims | - 20 = | 0 | x | \$50.00 | \$ |
| Independent claims | - 3 = | 0 | x | \$200.00 | \$ |
| MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00 | | | | \$ | \$0.00 |
| TOTAL OF ABOVE CALCULATIONS = | | | | \$ | \$500.00 |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. | | | | \$ | \$250.00 |
| SUBTOTAL = | | | | \$ | \$250.00 |
| Processing fee of \$130.00 for furnishing the English translation later than 36 months from the earliest claimed priority date (37 CFR 1.492(a)). Fees for Petition for Revival of an International Application for Patent Designating the U.S. Abandonment Limitation under 1.137(b) | | | | \$ | \$750.00 |
| TOTAL NATIONAL FEE = | | | | \$ | \$1,000.00 |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property + | | | | \$ | \$0.00 |
| TOTAL FEES ENCLOSED = | | | | \$ | \$1,000.00 |
| | | | | Amount to be | \$ |
| | | | | Amount to be | \$ |
| a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed. b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>20-0778</u> in the amount of <u>\$1,000.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>20-0778</u> . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. | | | | | |
| NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status. | | | | | |
| SEND ALL CORRESPONDENCE TO: | | | | | |
| LINDER, Christopher B. | | | | | |
| THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP | | | | | |
| 100 Galleria Parkway, N.W., Suite 1750 | | | | | |
| Atlanta, GA 30339-5948 | | | | | |
| US | | | | | |
| | | | | SIGNATURE | |
| | | | | Christopher B. Linder | |
| | | | | NAME | |
| | | | | 47,751 | |
| | | | | REGISTRATION NUMBER | |

TKHR**THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.**

ATTORNEYS AT LAW

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JC17 Rec'd PCT/PTO 09 JUN 2005Lara L. O'Brien, Paralegal
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only 8 pages
went through

Lara.obrien@tkhr.com

FACSIMILE TRANSMISSION

June 9, 2005

[050508-1350]

TOMr. Rafael Bacares
Attn: PCT Legal Examiners
Office**FROM**

Lara L. O'Brien, Paralegal

FAX: (571) 273-0419

FAX: 770-951-0933

TEL:

TEL:

RE: Dear Mr. Bacares: It was a pleasure speaking with you this afternoon. Please call me this afternoon and let me know if we have given you sufficient information for this Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 C.F.R. 1.137(b). My direct number is 770-738-2320. Sincerely, —Lara L. O'Brien, Paralegal

(Message)

Number of Pages (Including This Cover Sheet): ⁹ - ~~6~~ Page(s)
PLEASE ACKNOWLEDGE SAFE AND CLEAR RECEIPT OF ALL PAGES.

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INTERNATIONAL PATENT, TRADEMARK AND COPYRIGHT LAW AND RELATED LITIGATION

Huntsville, Alabama

Atlanta, Georgia

10/538034

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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to:

ATTN: Mr. Rafael Bacares – PCT Legal Examiners Office
Facsimile number: (571) 273-0419
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

on June 9, 2005.


Lara L. O'Brien

| | | | |
|-----------------------|---|-------------------|------------|
| In re application of: | GEWIRTZ et al. | Confirmation No.: | TBD |
| U.S. Serial Number: | TBD | Art Unit: | TBD |
| Filing Date: | Filed Herewith | Examiner: | TBD |
| Our Reference Number: | 050508-1350 | | |
| Title: | DIAGNOSTIC TESTS AND METHODS FOR DIAGNOSING INFLAMMATORY BOWEL DISEASE | | |

Transmittal Letter (duplicate 2nd page);

Cover Letter;

Petition for Revival of an International Application for Patent Designating the U.S.

Abandoned Unintentionally Under 37 C.F.R. 1.137(b); and

Front Cover of Corresponding PCT Patent Application